

CITY OF INDIANOLA, IOWA
APPLICATION FOR MOBILE FOOD AND BEVERAGE VENDORS

Date of Application: _____

1. Business Information

Name: _____ Age: _____

Social Security Number: _____

Permanent Address: _____

City _____ State _____ Zip Code _____

Business Name: _____

Business Address: _____

City _____ State _____ Zip Code _____

Business Phone Number _____

Email address: _____

2. Mobile Food Unit

Make: _____ Model: _____ Year: _____

Overall Size, Length: _____ Width: _____ Plate: _____

Description the kitchen facilities, cooking facilities, preparation area, safety features, (suppression system, etc.) of the mobile food unit:

***Photographs of the mobile food unit from the front, side and back must be submitted with the application.**

3. State IA Inspection Information

Iowa Department of Inspection and Appeals Inspection Certificate # _____

*Copy of certificate must be attached to this application

- _____ Class 1 – non-refrigerated vending units that serve only intact, non-potentially hazardous commercially prepackaged food and beverages
- _____ Class II – refrigerated or hot vending units that serve potentially and non-potentially hazardous commercially prepackaged foods from an approved source. No cooking is allowed as part of a Class II unit.
- _____ Class III – units that serve potentially and non-potentially hazardous packaged food and unpackaged foods with limited assembly. These units are limited to pre-cooked foods from an approved source that may be reheated on the unit
- _____ Class IV – units that serve potentially and non-potentially hazardous foods that are prepared, cooked, cooled or reheated and assembled on the unit

4. Fire Inspection – Applicable to Class III and Class IV state license units only

All mobile food units that have cooking facilities or use products with grease laden vapors, (Class III and Class IV state licenses) shall be inspected by the Fire Department prior to initiation of business operations within the city. Inspections are required annually and prior to issuance of a mobile food vending license. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department. Class I and II state license classifications are not required to meet this inspection requirement.

To schedule your inspection, please call 515-961-9405.

*Bring this application with you to your inspection

5. TO BE COMPLETED BY THE INDIANOLA FIRE CHIEF – Applicable to Class III and Class IV state license only

Date of Inspection: _____

Inspection Number: _____

_____ Fee Due Upon Submission of Application

Signature of Fire Chief

7. Has applicant been listed on any sex offender registry within the last five (5) years? _____

One Day	\$50.00	
One Week	\$100.00	
For up to six months	\$200.00	
For over six months to one year	\$300.00	
Total		

Print Name	Signature	Date
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Date: _____ Fee: _____ Receipt # _____ Permit # _____

Ordinance No. 1584

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE CITY INDIANOLA, IOWA, BY ADDING NEW SECTION 122.22 "MOBILE FOOD AND BEVERAGE VENDORS"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The Indianola City Code is hereby amended by adding the following:

122.22 MOBILE FOOD AND BEVERAGE VENDORS

- A. Mobile Food Unit Licensing: It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility within the corporate limits of the City of Indianola without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications and licenses.
1. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed prior to the first event after that date.
 2. Each mobile food unit shall be licensed separately. No license transfer is allowed.
 3. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Indianola is expected to comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.
 4. The following shall be exempt from this requirement:
 - a. Catering businesses.
 - b. Grilling and food preparation activities of brick and mortar establishments on the establishments' premises for immediate consumption by patrons or employees.
 - c. Concession stands associated with sports or recreational venues that have been approved as part of a site plan.
- B. License Fee: At the time of the submittal of a license application, the applicant shall pay to the city clerk the applicable license and permit fees in addition to any application fees.
1. The city council shall establish the amount of the license fee by resolution.
 2. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

C. Fire Department Inspection:

1. All mobile food units that have cooking facilities with grease laden vapors (class III and class IV state licenses) shall be inspected by the fire department prior to initiation of business operations within the city.
2. Inspections are required annually and prior to submittal of a license application to the city. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department.
3. Upon completion of the annual fire inspection, if the fire department determines that the mobile food unit passes the inspection, the Fire Chief or his/her designee shall sign the mobile food unit vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.

D. Mobile Food Unit Vendor Licensing Application:

1. License Required: All mobile food vendors operating within the City of Indianola, must obtain a mobile food vendor license from the city.

Exception: Community events sponsored by the Chamber of Commerce or approved by City Council.

Application requests shall be filed with the city clerk on the form provided by the city. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application and all of the required materials and information prescribed, accompanied by the appropriate fees.

2. Submission Time Frame: Applications must be submitted not less than ten (10) business days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city. The city clerk shall have the discretionary right to accept an application made less than ten (10) business days prior to desired start date.
3. Additional Approvals: Receiving approval of a mobile food unit license from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.
4. Application Contents: Application shall be made on a form provided by the city and shall include:
 - a. Full name of the applicant.
 - b. Applicant's contact information including mailing address, phone numbers and e-mail address.

- c. State health inspection certificate with the classification level of the state license identified.
 - d. Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.
 - e. Photographs of the mobile food unit.
 - f. Make, model and year of vehicle to be used.
 - g. County, state and license plate number.
 - h. Overall size of the vehicle; length and width.
 - i. Fire department signature on application confirming a passing fire department inspection.
 - j. Application and license fee(s).
5. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last written notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.
6. Issuance Of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the city clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger side) of the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.
7. Modification Of License After Issuance: Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.
- E. Mobile Food Units On Public Property: No mobile food unit may be operated on public property except as part of an event approved under a special event permit by the city clerk's office or as authorized by the parks and recreation commission, or their designee, within a city park.
- F. Unattended Mobile Food Unit: No mobile food unit shall be left unattended on any site overnight, unless that property is under the ownership of the operator of the unit and in compliance with all other city code requirements. No mobile food unit shall be allowed to be stored on a site that is not zoned appropriately for storage and warehousing, screened in accordance with city code requirements, and/or having received prior city council approval through an entitlement process. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

- G. Music And Sound Making Devices: The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.
- H. Mobile Food Unit Performance Standards: Persons conducting business from a mobile food unit must do so in compliance with the following standards:
1. The mobile food vendor must obtain expressed written consent of the property owner to use the business property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property.
 2. The operator of the mobile food unit shall display their city license in full view of the public in the unit.
 3. Mobile food units shall only be allowed on nonresidential properties.
 4. Mobile food units within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and ten thirty o'clock (10:30) P.M.
 5. Mobile food units shall be limited to a maximum duration of eight (8) hours per day on any site, unless part of an approved event permit. A mobile food unit shall be at one location a maximum of five (5) consecutive days per week.
 6. Only one mobile food unit shall be allowed on a property, unless part of an approved event or the property has received a multiple vendor permit. Mobile food units not under a multiple vendor permit and on adjacent properties must maintain a minimum separation between units of fifty feet (50').
 7. Mobile food units shall serve patrons which are on foot only; no drive-up service to the mobile food unit itself shall be provided or allowed.
 8. The mobile food unit must be located on a paved surface, unless approved as part of an event permit.
 9. No mobile food unit may be located on a vacant property or lot with a vacant building.
 10. No mobile food unit may operate within two hundred feet (200') of a permanent restaurant or business offering food or beverage services.
 11. No alcoholic beverages may be sold as a part of a mobile food unit.
 12. Any mobile food unit shall maintain a minimum fifteen foot (15') separation from a building as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the mobile food unit shall not impede pedestrian entering or exiting of a building.
 13. Mobile food vendors shall be placed no closer than 15' from a front property line.

15. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. No freestanding signs, banners, flags, etc., are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.
16. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.
17. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.
18. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants and fire department connections, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, etc.
19. No mobile food unit shall be parked in or otherwise impact access to/from ADA parking stalls.

I. **Property Owner Responsibility:** By allowing the mobile food unit on their property, the property owner shares in the responsibility of ensuring that the performance standards listed above and the safety of pedestrians and access of emergency vehicles to and around the site are maintained. Failure to do so could result in the property owner being party to any enforcement actions or penalties allowed by law, including, but not limited to, the alteration or revocation of a multiple vendor permit.

J. **Other Licenses And Permits To Be Maintained:** Failure of any applicant to maintain the appropriate county, state and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the city.

K. **Suspension or Revocation of License:** Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

1. **Grounds:** The city clerk may suspend any license issued under this chapter, pending the outcome of an administrative hearing, for any of the following reasons:
 - a. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.
 - b. The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.
 - c. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

- d. The city clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.
2. Notice: The city clerk shall have the licensee served with notice either in person or by regular mail to the licensee's address shown on the license application notifying them of the license suspension, the specific reason(s) for such action, and date and time of hearing with the city clerk to review the particulars of the suspension. The licensee shall be prohibited from any further activities covered by the license until such time that the hearing has been held and a determination of suspension and revocation resolved.
3. Hearing: A hearing shall be conducted by the city clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this chapter. Should the licensee or his/her authorized representative fail to appear without good cause, the city clerk may proceed with the hearing and make his/her findings.
4. Revocation: After the city clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation has occurred. The revocation shall be effective immediately.
5. Appeal: If the city clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing before the municipal code hearing officer as provided in Section 122.15 of this code. The municipal code hearing officer may reverse, modify, or affirm the decision of the city clerk.
6. Effect of Revocation: Revocation or denial of any license shall bar the licensee or applicant from being eligible for any license under this chapter for a period of one year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.
- L. Penalty: Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers and the police chief's designees shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.


Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after passage, approval and publication as provided by law.

PASSED AND ADOPTED at Indianola, Iowa, this 2nd day of January, 2018.


Kelly B. Shaw, Mayor

ATTEST:


Diana Bowlin, City Clerk

First reading: December 4, 2017
Second reading: December 18, 2017
Third reading: January 2, 2018
Publication Date: 1-24-18

The foregoing Ordinance No. 1584 was adopted by the Council of the City of Indianola, Iowa, on January 2, 2018 was signed by the Mayor on January 3, 2018, and was published in the Record Herald and Indianola Tribune, a newspaper of general circulation and published in the City of Indianola, Iowa, on January 24, 2018


Diana Bowlin, City Clerk

